

REMARKS

Claims 1-8 are currently pending in the application. By way of this amendment there have been no changes made to the claims, however Pages 9 and 20 of the specification have been amended as discussed further below.

The drawings were objected to for the reasons set forth in paragraph two of the Office Action. The Examiner is advised that no changes were required in the drawings. Rather the specification has been amended to make the drawings and specification consistent with each other. Regarding elements 106 and 172, the Examiner is correct in that 106 does not appear in Figure 2 and 172 does not appear in figure 1. However, there is no requirement that all figures contain all of the same elements. Figure 1 shows an overall architecture at a top level including the merchant 106, whereas Figure 2 shows the hardware of the system excluding the merchant 106 but provides in more detail the broker server 132 that includes a broker website 172.

The specification was objected to for having several informalities. The specification has been amended to correct the informalities highlighted by the Examiner.

Claims 1-3 and 8 stand rejected under 35 U.S.C. 112, first paragraph "as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." This rejection is respectfully traversed for the reasons set forth below.

At the outset, it is important to not that the Examiner admits in paragraph 1 of the Office Action that Downs does not teach or suggest the concurrent downloading of the encoded digital content product into the computer and the displaying of at least

some of the information (for example, price, product ID) related to purchasing the digital content product. However, the Examiner takes the position that the Applicants' specification doesn't support this claim language and has based the rejection on a lack of adequate written description. Applicants submit that the examiner is incorrect as a matter of law. That is, since the claim language referred to by the Examiner was included in the **original claims as filed**, a written description rejection is not appropriate since the original claims themselves are part of the specification proving possession of the invention by the Applicants at the time of filing. Further, the sections of the specification referred to by the Examiner have been taken out of context and misinterpreted since on page 16 line 28 to page 17 line 9 a very detailed description in support of the claim language concerning the concurrent downloading is set forth.

The Examiner questions where in the specification there is support for the downloading step of claim 1. The Examiner is advised that support for this limitation is found in the aforementioned part of the specification. The header 202 that is downloaded includes information related to the purchase of the digital content product such as product ID and price (see Figure 2).

In view of the above, it is respectfully requested that the rejection of claims 1-3 and 8 under 35 U.S.C. 112, first paragraph be withdrawn.

Claim 1 stands rejected under 35 U.S.C. 102(e) as being anticipated by Downs. While the Examiner has not set forth that claims 4-6 are also rejected as being anticipated by Downs, these claims are subsequently discussed in the office action and therefore will be addressed here as well.

As discussed above, the Examiner admits that Downs does not teach or suggest the concurrent downloading as set forth in claim 1. Regarding independent claim 4, it is directed to a method that would allow, for example, a third party to access a web site of a merchant to encrypt digital content files at the merchant web

site. Thus, the computer is provided with the identification of the merchant's files that require encryption together with the web site location of the files and information as to how to access those files. The computer connects to the web site, such as through the Internet, and accesses, and encrypts the designated files and stores the encrypted files at the web site. This claim permits remote encrypting of files at a merchant web site. The Examiner refers to various sections of Downs for teaching using URL's to point to files at a host site. However, in none of the referred to sections does Downs teach or suggest the remote computer actuated encryption of designated files as claimed.

In view of the above, it is submitted that independent claims 1 and 4 are neither anticipated by nor rendered obvious in view of Downs. Further, since claims 5 and 6 depend from claim 4 they are considered patentable as well.

Claims 2,3,8 and 9 stand rejected by the Examiner as being unpatentable over Downs. However, since there is no claim 9 the Applicants have assumed, in the interest of expediting prosecution, that the Examiner meant to refer to claim 7. Further, Applicants traverse the instant rejection for the reasons set forth below.

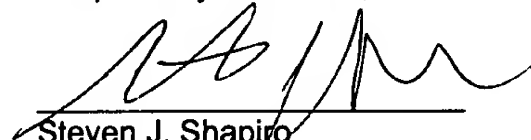
Regarding claims 2 and 3 (which depend from claim 1) and claim 8 it is submitted that each of these claims includes the concurrent downloading limitation discussed above which the Examiner admits is nether taught nor suggested by Downs. As for claim 7, it is directed to a method whereby encrypted and unencrypted digital content product files are stored at a first computer, such as a merchant computer. Upon request for the encrypted files they are sent to a second computer. However, in the case of the unencrypted digital content product files they are dynamically encrypted prior to being sent to the second computer. This method of distributing digital content using static encrypting and dynamic encrypting is discussed in detail on page 16 of the specification. The specification describes the benefits of this hybrid encrypting of files. That is, static encoding is efficient for

content that is not subject to change (such as a particular piece of music) because time is saved if real time encryption is not required. However, constantly changing information, such as stock data, would require a large amount of continuous maintenance to store in encrypted form. Thus, for the constantly changing data, dynamic encryption is best suited since the product is encrypted for each download. The Examiner has ignored the specific claim recitations and seems to take the position that since it is known to store data in either encrypted or unencrypted form claim 7 is rendered unpatentable by Downs. However, the Examiner has completely ignored the dynamic encrypting of unencrypted materials while concurrently storing statically encrypted materials to achieve the benefits discussed above.

In view of the above, it is submitted that claims 2, 3, 7, and 8 are not rendered obvious by Downs.

It is submitted that the application stands in condition for allowance. Reconsideration of the objections and rejections is respectfully requested and an early notice of allowance is earnestly solicited. If however, the Examiner has any questions please contact the undersigned at the number below.

Respectfully submitted,



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